

OFFICIAL

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4/18/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HOWLAND, Charles

Group Art Unit: 1774

Serial No. 10/021,851 ✓

Examiner: DIXON, Merrick L.

Filed: 12/13/2001 ✓

Dkt No: WM12-US

For: WEARABLE PROTECTIVE SYSTEM HAVING PROTECTIVE ELEMENTS ✓

To: Box Non- Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

From:



24222

PATENT TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE 37 CFR 1.8: I certify that this correspondence is being faxed to: Examiner Merrick L. Dixon, at FAX #: ~~703-308-3589~~ 105-305-5408, TEL #: 703-308-0013 on the below date:

Date: 04/14/2003

[✓] Debra A. Stengel

[ ] Vernon C. Maine, Reg. No. 37,389 or [ ] Scott I. Asmus, Reg. No. 42,269

Dear Honorable Commissioner:

OFFICE ACTION RESPONSE

In response to the Office's Non-Final Office Action dated 03/12/2003, the Applicant timely responds herein.

[X] DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

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*Elections/Restrictions*

The Examiner has made a restriction requirement in accordance with 35 U.S.C. §121 between:

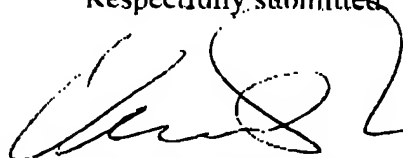
Species I: Claims 1-14, drawn to a protective covering system, classified in class 428, subclass 292.1.

Species II: Claims 19-36, drawn to a protective covering system with ballistic catching layer of woven fabric, classified in class 442, subclass 188.

Applicant respectfully requests clarification, preferable a formal revision or reissue of restriction requirement. The Office Action Summary correctly refers to 20 pending claims. The text however, refers to 36 claims (Invention I being claims 1-14 and Invention II being claims 19-36). As a result the Applicant is unable to interpret the Examiners intent and respond appropriately. Applicant, through its undersigned attorney, attempted on 3/24/03, 3/27/03 (via facsimile), 4/7/03, 4/10/03 and 4/11/03 to contact the Examiner to communicate the error, to date no response has been received.

Applicant requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution.

Respectfully submitted



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Scott J. Asmus, Reg. No. 42,269

Neil F. Maloney, Reg. No. 42,833

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